

<p style="text-align: center;"><b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b></p> <p style="text-align: center; font-size: 1.2em; font-weight: bold; margin-top: 20px;">FILED VIA EFS ON May 21, 2008</p>	<p><b>Docket Number (Optional)</b> <b>GNE-0205 (123851-181836)</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">In re Application of <b>BRUNETTA, et al.</b></td> <td style="width: 50%; padding: 2px;">Confirmation No. <b>3292</b></td> </tr> <tr> <td style="padding: 2px;">Application Number <b>10/719,310</b></td> <td style="padding: 2px;">Filed <b>November 21, 2003</b></td> </tr> <tr> <td colspan="2" style="padding: 2px;">For <b>THERAPY OF NON-MALIGNANT DISEASES OR DISORDERS WITH ANTI-ERBB2 ANTIBODIES</b></td> </tr> <tr> <td style="padding: 2px;">Art Unit <b>1644</b></td> <td style="padding: 2px;">Examiner <b>HUYNH, Phuong N.</b></td> </tr> </table>	In re Application of <b>BRUNETTA, et al.</b>	Confirmation No. <b>3292</b>	Application Number <b>10/719,310</b>	Filed <b>November 21, 2003</b>	For <b>THERAPY OF NON-MALIGNANT DISEASES OR DISORDERS WITH ANTI-ERBB2 ANTIBODIES</b>		Art Unit <b>1644</b>	Examiner <b>HUYNH, Phuong N.</b>
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<p>Applicant hereby <b>appeals</b> to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) <span style="float: right;">\$ <u>510.00</u></span></p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <span style="float: right;">\$ _____</span></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit cards. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fee in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>07-1700</u>.</p> <p><input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p> <p><b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor. <span style="float: right;"> Signature</span></p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. <span style="float: right;"><u>GINGER R. DREGER, ESQ.</u></span></p> <p>(Form PTO/SB/96) <span style="float: right;">Type of printed name</span></p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>33,055</u> <span style="float: right;"><u>650/752-3100</u> Telephone number</span></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <span style="float: right;"><u>MAY 21, 2008</u> Date</span></p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>									

This collection of information by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including: gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.